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Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ROLEX WATCH U.S.A., INC.,

Plaintiff,

v.

JULIO MUNOZ, individually and d/b/a  
WWW.YOUTUBEWATCHES.COM;  
UNKNOWN WEBSITES 1-10; "JOHN DOES"  
1-10; and UNKNOWN ENTITIES 1-10

Defendants.

**AFFIDAVIT OF WALTER-MICHAEL  
LEE IN SUPPORT OF PLAINTIFFS' *EX  
PARTE* APPLICATION FOR A  
TEMPORARY RESTRAINING ORDER;  
ORDER TO SHOW CAUSE WHY A  
PRELIMINARY INJUNCTION SHOULD  
NOT BE ISSUED; EXPEDITED  
DISCOVERY ORDER; AND AN ORDER  
TEMPORARILY SEALING THE COURT  
FILE.**

WALTER-MICHAEL LEE, under penalty of perjury, declares that:

1. I am an active member of the bar of the State of New York and Senior Counsel with the law firm of Gibney, Anthony & Flaherty LLP. This affidavit is submitted in support of Rolex Watch U.S.A., Inc.'s ("Rolex's") *ex parte* application for a temporary restraining order; order to show cause why a preliminary injunction should not be issued; expedited discovery order and an order temporarily sealing the Court.

2. The need for this request is particularly acute in this case because defendants Julio Munoz individually and d/b/a www.youtubewatches.com; Unknown Websites 1-10; "John Does" 1-10; and Unknown Entities 1-10 (hereinafter collectively referred to as "Defendants") are

engaged in the distribution and/or creation of merchandise bearing counterfeits of Rolex's federally registered trademarks.

3. As set forth in the accompanying affidavits submitted herewith, Defendants have distributed unauthorized merchandise bearing counterfeits of Rolex's trademarks.

4. As experience has shown me in cases such as these, if notice of this action was given, Defendants would likely conceal or destroy any unauthorized and infringing inventory. Accordingly, the only real relief available to Rolex is an order pursuant to *ex parte* proceedings.

5. In accordance with Rule 65 of the Federal Rules of Civil Procedure, Rolex will post a bond in such sum as the Court deems proper for the payment of costs and damages which may be incurred or suffered by Defendants if it is found that the Temporary Restraining Order was wrongfully issued. A bond of \$5,000.00 is suggested.

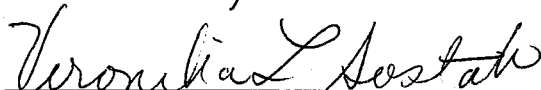
6. Rolex has given notice of its application for an *ex parte* order to the United States Attorney for this Judicial District pursuant to 15 U.S.C. § 1116(d)(2).

7. No previous application for similar relief has been made.

Dated: Feb. 7, 2012

  
Walter-Michael Lee

Sworn to me this 1<sup>st</sup> day  
of February, 2012

  
Notary Public

VERONIKA L. SOSTAK  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01506099023  
Qualified in New York County  
My Commission Expires ~~September 30, 2014~~  
NOV. 21, 2015